

Issued June 27, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 402, FOOD AND DRUGS ACT.

MISBRANDING OF ICE CREAM POWDER—"CREAM-X-CEL-O."

On or about September 10, 1909, Edwin G. Eckert, proprietor of and doing business as the Acme Extract and Chemical Works, Hanover, Pa., shipped from said State of Pennsylvania to the State of New Jersey a package containing a quantity of "Eckert's Vegetable Ice Cream Powder," termed "Cream-x-cel-o." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Edwin G. Eckert, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Middle District of Pennsylvania charging the above shipment and alleging that the product was misbranded within the meaning of said act, because the carton containing the product in question had printed thereon the following statement: "Contains a high percentage of cream and butter fat," which statement was false and misleading, as the said article did not contain a high percentage of cream and butter fat, nor did it contain any cream and butter fat.

On May 3, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1910.*